

DATE OF MEETING November 20, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP331 – 1629 FULLER STREET

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow a heat pump on the east side of the principal dwelling at 1629 Fuller Street.

Recommendation

That Council issue Development Variance Permit No. DVP331 at 1629 Fuller Street with the following variance:

- allow a heat pump to be located on the east side of the principal building.

BACKGROUND

A development variance permit application, DVP331, was received from Mr. Michael Brown to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” to install a heat pump on the east side of the house currently under construction at 1629 Fuller Street.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located at the end of Fuller Street on the south side of the road.
<i>Total Lot Area</i>	2,510m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use - Neighbourhood

The subject property is located at the end of Fuller Street, adjacent to City-owned property to the south, a City park to the east and a strata development to the west. The property is within the Millstone River floodplain, which restricts the buildable area to the northwest corner of the property. A new house is under construction on the subject property.

Statutory Notification has taken place prior to Council’s consideration of the variance.

DISCUSSION

Proposed Development

The Zoning Bylaw requires heat pumps to be located to the rear of the principal building. The applicant is seeking a variance to locate a heat pump on the east side of the house.

If sited per Zoning Bylaw regulations, the heat pump is permitted to be as close as 4.5m to the neighbouring property to the west at 1631 Fuller Street. The proposed location is approximately 13m from the west property line (and on the opposite side of the house), 60m from the east side yard property line, which borders a City park, and 14m from the street. The applicant proposes to build a fence to screen the heat pump from the street.

The intent of the Zoning Bylaw regulation is to ensure that heat pumps are sited in a location that will screen the unit from view from the street and limit noise heard from adjacent properties. The proposed heat pump location meets the intent of the Zoning Bylaw.

Additionally, as the house was constructed with the necessary heat pump piping on the east side of the building, the applicant's heat pump installer has advised that significant alterations to the house design and engineering would be required to locate the heat pump per Zoning Bylaw regulations. Furthermore, relocating the heat pump would require extending the piping by approximately 12m, which would reduce the heat pump operational efficiency by 50%.

PROPOSED VARIANCES

Location of a Heat Pump

Heat pumps are required to be located to the rear of a principal building. The heat pump is proposed to be located on the east side of the principal dwelling.

The proposed heat pump location has a significant setback from all adjacent properties and will be screened from the street by a fence. The proposed heat pump location meets the intent of the Zoning Bylaw to mitigate noise and visual impact on surrounding properties.

SUMMARY POINTS

- Development Variance Permit Application No. DVP331 proposes a variance to allow a heat pump to be located on the east side of the principal dwelling.
- The proposed heat pump location is more than 13m away from the nearest property to the west and is on the opposite side of the house. A fence will screen it from view from the street.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan

ATTACHMENT C: Site Plan
ATTACHMENT D: Context Photos
ATTACHMENT E: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

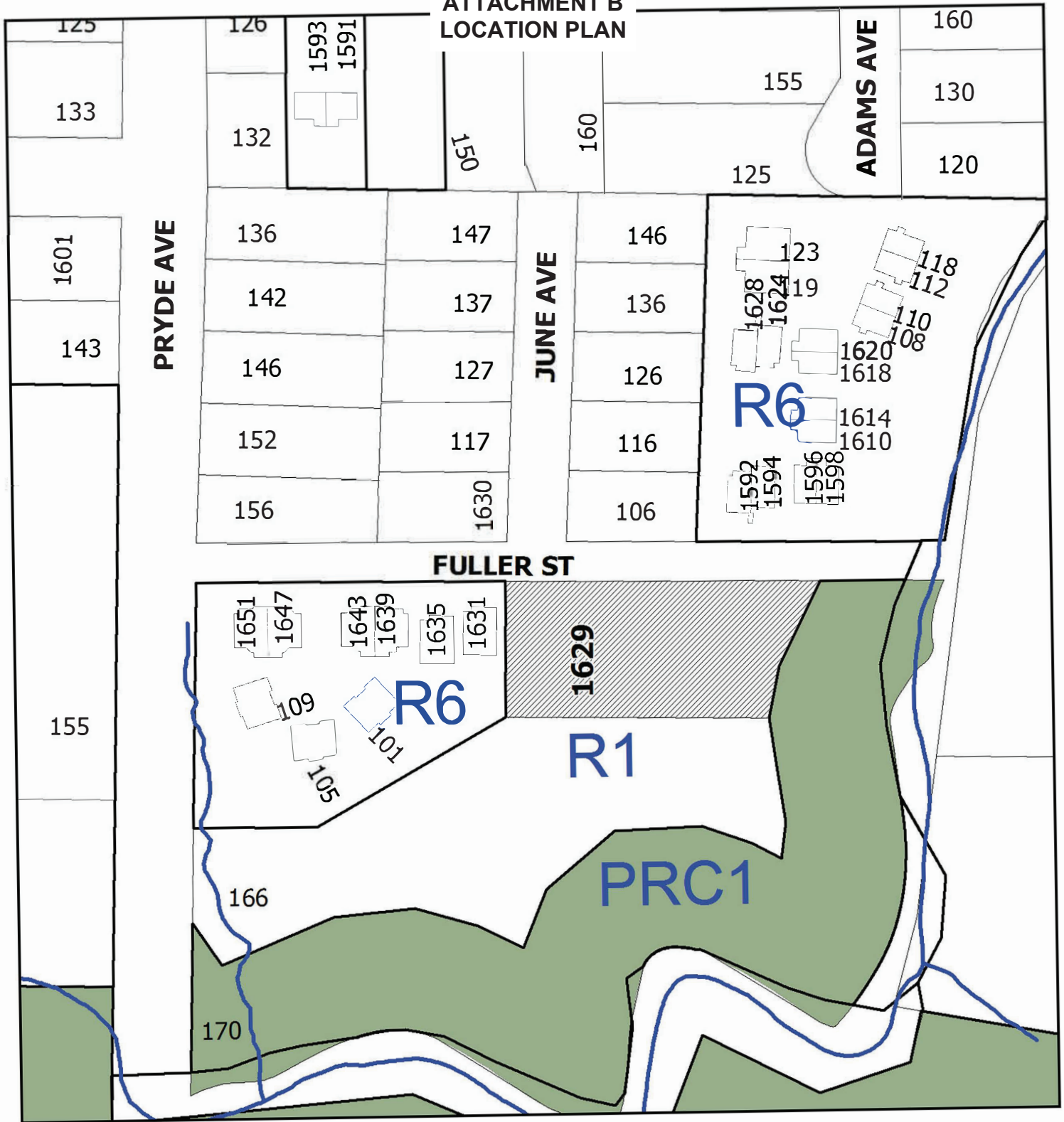
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.5.2 Projections into Yards* – to allow a heat pump to be located on the east side of the principal building.

CONDITIONS OF PERMIT

1. The heat pump shall be located on the east side of the principal dwelling generally in accordance with the site plan dated 2017-MAR-23, as shown on Attachment C.
2. A fence shall be located generally in accordance with the site plan dated 2017-MAR-23, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00331



LOCATION PLAN

 **Subject Property**

Civic: 1629 Fuller Street
 Lot B, Newcastle Townsite of Section 1, Nanaimo District,
 Plan EPP6577, Except Part in Plan EPP38427

ATTACHMENT C SITE PLAN

B.C. Land Surveyor's Building Location Certificate on:
 Lot B, Newcastle Townsite of Section 1, Nanaimo District, Plan EPP6577
 Except Part in Plan EPP38427.
 P.I.D. 028-495-128

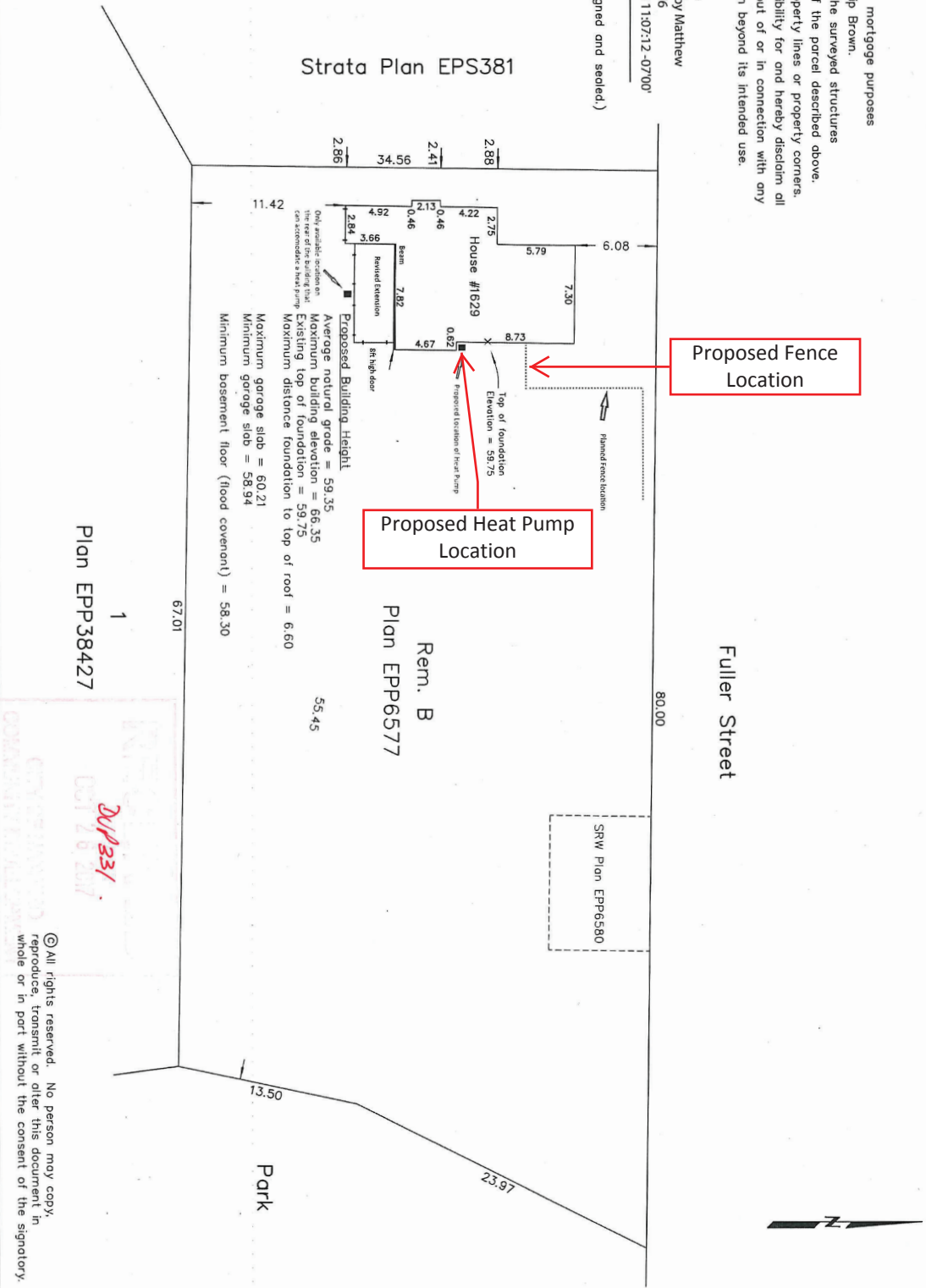
Civic Address: 1629 Fuller Street, Nanaimo
 This document was prepared for municipal and mortgage purposes
 and is for the exclusive use of our client, Philip Brown.
 This document shows the relative location of the surveyed structures
 and features with respect to the boundaries of the parcel described above.
 This document shall not be used to define property lines or property corners.
 Turner Land Surveying Inc. accepts no responsibility for and hereby disclaims all
 obligations and liabilities for damages arising out of or in connection with any
 direct or indirect use or reliance upon the plan beyond its intended use.

Certified correct this 23rd day of March, 2017.
Matthew Digitally signed by Matthew
Schnurch KAHJN6 Schnurch KAHJN6
 Matthew D. Schnurch, B.C.L.S. Date: 2017.03.24 11:07:12 -0700
 (This document is not valid unless originally signed and sealed.)

Strata Plan EPS381

Note:
 This property is affected by
 the following registered documents:
 CA1259907, FR329402, FB355526, FB368842,
 FB368843, CA1896652, CA1896655.

Scale 1:300
 Distances shown are in metres.
 Turner Land Surveying Inc
 605 Comox Road
 Nanaimo, B.C.
 V9R 3J4
 250-753-9778
 File: 16-061



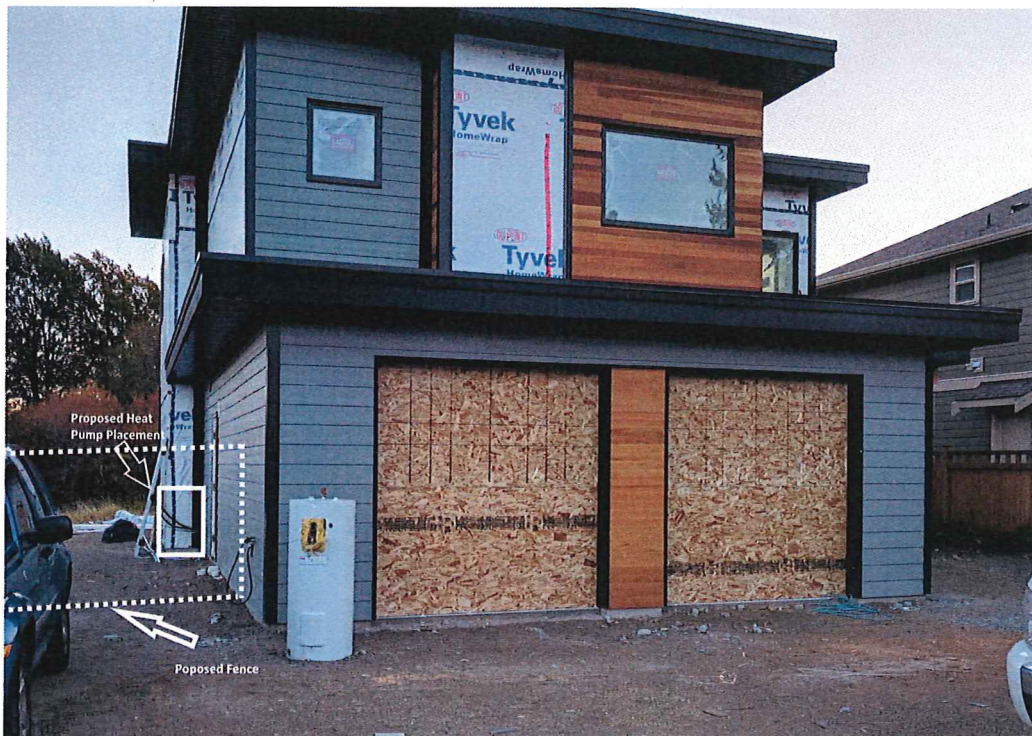
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ATTACHMENT D
CONTEXT PHOTOS

View from Fuller St looking south



View from Fuller St looking south west



RECEIVED
DUP331
OCT 26 2017
CITY OF NANAIMO
COMMUNITY DEVELOPMENT

ATTACHMENT E
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00331

